



# Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Thirty-fifth Meeting Day

Wednesday Afternoon

March 26, 2003

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Pastor Brian Delbridge, Westside Church of the Nazarene, Indianapolis, the guest of Representative Phillip D Hinkle.

The Pledge of Allegiance to the Flag was led by Representative Hinkle.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson ☐
Ayres ☐	Lehe
Bardon	Leonard
Becker	Liggett
Behning	J. Lutz
Bischoff	Lytle
Borror ☐	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Moses
Buck	Murphy
Budak	Neese
Buell	Noe
Burton ☐	Orentlicher
Cheney	Oxley
Cherry	Pelath
Chowning	Pflum
Cochran ☐	Pierce
Crawford	Pond
Crooks	Porter
Day	Reske
Denbo	Richardson
Dickinson	Ripley
Dobis	Robertson ☐
Duncan	Ruppel
Dvorak	Saunders
Espich	Scholer ☐
Foley	V. Smith
Frenz ☐	Stevenson
Friend	Stilwell
Frizzell ☐	Stine
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer
Heim	Weinzapfel
Herrell	Welch ☐
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young ☐
Klinker	Yount ☐
Koch	Mr. Speaker

Roll Call 405: 88 present; 12 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

The House stood for a moment of silence honoring all those who have served our country.

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, March 27, 2003, at 10:00 a.m.

PFLUM

Motion prevailed.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1059, 1077, 1133, 1278, 1282, 1286, 1380, 1408, 1632, 1645, 1729, 1897, and 1968 and the same are herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1018, 1049, 1102, 1140, 1161, 1209, 1399, and 1748 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 36 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## RESOLUTIONS ON FIRST READING

### House Resolution 39

Representative Koch introduced House Resolution 39:

A HOUSE RESOLUTION to honor Private Jacob Biehn, an Army paratrooper who was seriously wounded while training in Kuwait during the Operation Iraqi Freedom.

*Whereas, Private Jacob Biehn, a resident of Gnaw Bone, Brown County, Indiana, is a paratrooper in the U.S. Army;*

*Whereas, Private Jacob Biehn was stationed in Kuwait for the Operation Iraqi Freedom;*

*Whereas, Private Jacob Biehn, while training on clearing buildings for urban combat, was seriously wounded when a round of ammunition went through his wrist and into his thigh, shattering the bone;*

*Whereas, Private Jacob Biehn spent two days at a German hospital and was then transported to Walter Reed Hospital in Washington, where he recuperated;*

*Whereas, Private Jacob Biehn is to be commended for his service to his country in an admirable and valiant manner: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the House of Representatives of the Indiana General Assembly honor Private Jacob Biehn, an Army paratrooper wounded while serving in Kuwait during the Operation Iraqi Freedom.

SECTION 2. That the Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Private Jacob Biehn.

The resolution was read a first time and adopted by voice vote.

### **Senate Concurrent Resolution 36**

The Speaker handed down Senate Concurrent Resolution 36, sponsored by Representative Bauer:

A CONCURRENT RESOLUTION supporting the efforts of the Indiana Congressional delegation to seek federal funding for the U.S. 31 freeway project in the upcoming highway bill.

*Whereas, U.S. 31, from Indianapolis to South Bend, has been planned for improvement to an interstate quality highway;*

*Whereas, U.S. 31 connects Indiana's two largest economic markets, Indianapolis and the South Bend and Elkhart areas;*

*Whereas, the population of the U.S. 31 corridor is growing at a rate of 50% higher than the rate of growth in the rest of the state;*

*Whereas, the travel on U.S. 31 is projected to increase by 59% in 20 years, with traffic in some segments growing by a full 100%;*

*Whereas, the economic impact of a U.S. 31 freeway has been projected by the Indiana Department of Transportation and its consultants to create over 5000 jobs, save billions of dollars in travel time reductions and return \$3.20 in benefits for each \$1.00 spent to build it;*

*Whereas, the Indiana Department of Transportation is currently engaged in the federally required environmental impact statement preparation studies in three areas of the U.S. 31 corridor: St. Joseph/Marshall Counties, Kokomo/Howard County and Hamilton County;*

*Whereas, It is in the best interest of the citizens and businesses of north central Indiana, and all of Indiana, to move without delay from planning to the implementation of study findings; and*

*Whereas, Any additional federal funding that can be obtained in the upcoming reauthorization of TEA-21 for the U.S. 31 freeway improvement project will help to advance this project: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly supports the efforts of the Indiana Congressional delegation to seek federal funding for the U.S. 31 freeway project in the upcoming highway bill.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Congressman Chris Chocola, Senator Richard G. Lugar, Senator Evan Bayh, Governor Frank O'Bannon, and the Indiana Department of Transportation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

## **REPORTS FROM COMMITTEES**

### **COMMITTEE REPORT**

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 230, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

PORTER, Chair

Report adopted.

## **ENGROSSED SENATE BILLS ON THIRD READING**

### **Engrossed Senate Bill 13**

Representative Kuzman called down Engrossed Senate Bill 13 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 406: yeas 79, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### **Engrossed Senate Bill 215**

Representative Reske called down Engrossed Senate Bill 215 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 407: yeas 84, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### **Engrossed Senate Bill 308**

Representative Stevenson called down Engrossed Senate Bill 308 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 408: yeas 84, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives Borrer and Scholer, who had been excused, were present.

### **Engrossed Senate Bill 340**

Representative C. Brown called down Engrossed Senate Bill 340 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 409: yeas 70, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### **Engrossed Senate Bill 515**

Representative Dvorak called down Engrossed Senate Bill 515 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 410: yeas 86, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Welch, who had been excused, was present.

With consent, the House returned to bills on second reading.

### **ENGROSSED SENATE BILLS ON SECOND READING**

#### **Engrossed Senate Bill 365**

Representative Grubb called down Engrossed Senate Bill 365 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### **MOTIONS TO CONCUR IN SENATE AMENDMENTS**

#### **HOUSE MOTION**

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1088.

AUSTIN

Roll Call 411: yeas 59, nays 29. Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1141.

C. BROWN

Roll Call 412: yeas 89, nays 0. Motion prevailed.

### **MOTIONS TO DISSENT FROM SENATE AMENDMENTS**

#### **HOUSE MOTION**

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1331 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

T. ADAMS

Motion prevailed.

### **OTHER BUSINESS ON THE SPEAKER'S TABLE**

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative Porter be added as cosponsor of Engrossed Senate Bill 13.

KUZMAN

Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative Kuzman be added as cosponsor of Engrossed Senate Bill 28.

THOMAS

Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative Espich be added as cosponsor of Engrossed Senate Bill 331.

WELCH

Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative Koch be added as cosponsor of Engrossed Senate Bill 355.

BISCHOFF

Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representatives Torr, Bardon, and T. Brown be added as cosponsors of Engrossed Senate Bill 363.

MAYS

Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative Reske be added as cosponsor of Engrossed Senate Bill 420.

MURPHY

Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative Mays be added as cosponsor of Engrossed Senate Bill 505.

STEVENSON

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Duncan, the House adjourned at 2:30 p.m., this twenty-sixth day of March, 2003, until Thursday, March 27, 2003, at 10:00 a.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives